

Message Text

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TO AMEMBASSY BRUSSELS

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E.O. 11652: N/A

TAGS: MILI, BE, US

SUBJECT: USS ZELLARS-MV -- BREUGHEL COLLISION IN
ANTWERP

REF: BRUSSELS 9176

1. TEXT OF LETTER TO ANDRE SURENA FROM T.E. LOHREY
DATED JULY 23, 1976 FOLLOWS:

1. QTE DEAR SIR: ENCLOSED PURSUANT TO YOUR REQUEST
MADE DURING OUR TELEPHONE CONVERSATION OF JULY 21, 1976,
ARE COPIES OF THE REPORT OF THE NAUTICAL COMMISSION,
COURT OF COMMERCE, ANTWERP, BELGIUM, AND THE SUMMARY
TRANSLATION OF PERTINENT EXTRACTS. THESE DOCUMENTS WERE
PROVIDED COMMANDER IN CHIEF, U.S. NAVAL FORCES, EUROPE, BY
THE NAVAL ATTACHE, BRUSSELS, WHO RECEIVED THE REPORT FROM
CAPTAIN A. DE BILDE, THE REPORTING OFFICER FOR THE NAUTI-
CAL COMMISSION. COPIES OF THE LETTERS OF THESE OFFICIALS
BY WHICH THE REPORT REACHED US ARE ALSO ENCLOSED.

IN ADDITION, AS A MATTER OF INFORMATION, WE ARE ENCLOSING
A COPY OF A LETTER OF JULY 27, 1964, FROM THE COUNSELOR
FOR HERBOSCH TO THE NAVAL ATTACHE, EXPLAINING THE APPOINT-
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MENT OF CAPTAIN DE BILDE BY THE COURT OF COMMERCE TO

INVESTIGATE THE COLLISION.

THE NAVY'S INVESTIGATING OFFICER WAS OF THE OPINION THAT THE CAUSE OF THE COLLISION WAS JAN BREUGHEL'S VIOLATION OF THE NAVIGATION RULES IN THAT:

- A. SHE FAILED TO TAKE EARLY ACTION TO AVOID A SHIP WHICH WAS ANCHORED AND SWINGING TO THE TIDE;
- B. SHE FAILED TO COMPLY WITH LOCAL REGULATIONS WHICH REQUIRE THAT THE ONCOMING VESSEL ADJUST COURSE TO STARBOARD;
- C. SHE WAS PROCEEDING AT AN EXCESSIVE SPEED FOR THE CONDITIONS EXISTING IN ANTWERP HARBOR AT THE TIME;
- D. SHE FAILED TO SLOW OR REVERSE HER ENGINES WHEN COLLISION WAS IMMINENT; AND
- E. SHE FAILED TO SOUND PROPER WHISTLE SIGNALS OR ANY SIGNALS AS TO HER INTENTIONS.

JAN BREUGHEL'S FAULT IS CONFIRMED BY THE REPORT OF CAPTAIN DE BILDE, WHO CONCLUDED QTE ...THAT SUBJECT ACCIDENT IS MAINLY DUE TO A NAVIGATION FAULT OF THE JAN BREUGHEL; I.E., FAILING TO ACT IN CONCURRENCE WITH PROVISIONS OF ART. 40, PAR. 3, NAMELY: NOT TO HAVE REDUCED ITS SPEED AT THE TIME WHEN THE USN ZELLARS WAS OPERATING SWERVING MANEUVERS IN THE HARBOR BETWEEN THE STATE JETTY AND THE ST. ANNA JETTY. QTE

ACCORDINGLY, IT IS OUR POSITION THAT SOLE FAULT FOR THE COLLISION RESTS WITH JAN BREUGHEL. ZELLARS GAVE THE PROPER SIGNAL AND BEGAN TO SWING TO THE TIDE. THE FACT TH ZELLARS DID NOT MANEUVER WHEN PLACED QTE IN EXTREMIS QTE BY THE APPROACH OF JAN BREUGHEL DOES NOT EXONERATE THE LATTER FROM FAULT. JAN BREUGHEL WAS THE BURDEN VESSEL AND HAD THE DUTY TO KEEP CLEAR OF ZELLARS, AND HER FAILURE TO DO SO WAS THE PROXIMATE CAUSE OF THE LIMITED OFFICIAL USE

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COLLISION.

WE SHALL BE PLEASED TO PROVIDE ANY FURTHER ASSISTANCE YOU MAY REQUIRE, AND WE APPRECIATE YOUR CONTINUING TO KEEP US ADVISED OF THE PROGRESS OF THIS MATTER.
SI ERELY YOURS, T.E. LOHREY, JR., ADMIRALTY COUNSEL.
END QTE.

KISSINGER

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